



01-22-07

Attorney's Docket No.: 09712-332001 / Z-433

DME
JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter J. de Groot
Serial No. : 10/659,060
Filed : September 9, 2003
Patent No. : 7,139,081
Issue Date : November 21, 2006
Title : INTERFEROMETRY METHOD FOR ELLIPSOMETRY, REFLECTOMETRY,
AND SCATTEROMETRY MEASUREMENTS, INCLUDING
CHARACTERIZATION OF THIN FILM STRUCTURES

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
under 37 CFR 1.705(d)

Patentee hereby requests that the Patent Term Adjustment for the above-identified U.S. patent be reconsidered. It is Patentee's belief that the Patent Term Adjustment on the issued patent (set at 235 days as stated on the Patent cover sheet) is incorrect and that the Patent Term Adjustment for which the above-identified patent is entitled is **278 days**.

The U.S. Patent and Trademark Office (USPTO) reduced 43 days of Applicant's term by erroneously recording the Issue fee Payment received on October 10, 2006 as a "Miscellaneous Incoming Letter". However, the Issue Fee Payment was complete and nothing further needed to be filed at allowance, and there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination as set forth in 1.704. Therefore, Patentee should not have been penalized 43 days and the correct PTA should be:

$$235 \text{ days} + 43 \text{ days} = \mathbf{278 \text{ days}}$$

Based on the foregoing, Patentee requests that the Patent Term Adjustment on this patent be adjusted to **278 days**. The above-identified patent is not subject to a terminal disclaimer.

01/23/2007 BABRAHA2 00000067 10659060

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CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EL 964755088 USJanuary 19, 2007
Date of Deposit

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Enclosed is a check for the fee of \$200 required under 37 CFR §1.18(e). Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 09712-332001.

Respectfully submitted,

Date:

1/19/07



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